

**Remarks**

This invention relates to a method and access point for controlling access by a user terminal to a communications network, in which an authentication mechanism which is compatible with the user terminal is selected if the user terminal is not compatible with a predetermined authentication protocol. Nowhere is the claimed invention shown or suggested by the cited prior art.

The Examiner has rejected Claims 10-13 under 35 USC 101 because the claimed subject matter could be implemented via software alone. Claim 10 has been amended to recite an access point having three means-plus-function clauses. The Applicants submit that the subject matter of Claim 10 as amended can not be implemented via software alone, and that Claim 10 as amended complies with 35 USC 101.

Claims 11-13 are dependent from Claim 10 and add further advantageous features. The applicants submit that these subclaims are patentable as their parent Claim 10.

The Examiner has rejected Claims 6, 11-16, 18, 21-23 and 25-27, under 35 USC 112 as being not clear as to what will happen when conditional statements are not satisfied. Claim 6 is dependent from Claim 4, which has been amended to recite the results of whether or not the user terminal is IEEE 802.1x compliant. The Applicants submit that the Examiner's objection to Claim 6 is thereby overcome.

Similarly, Claims 11-13 are dependent from Claim 10, which is clear as to what will happen when conditional statements are not satisfied.

The Examiner is requested to reconsider his objection to Claim 14. The Applicants submit that Claim 14 sets forth the results of whether or not the user terminal is IEEE 802.1x compliant.

Similarly, Claims 15, 16 and 18 are dependent from Claim 14 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 14.

The Examiner is requested to reconsider his objection to Claim 21, since Claim 21 already recites the results of whether or not the user terminal is IEEE 802.1x compliant.

Claims 22, 23 and 25-27 are dependent from Claim 21 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 21.

The Examiner has rejected Claims 1-27, all of the claims in the application, as anticipated under 35 USC 102(e) by US 7,483,984 to Jonker et al.

Jonker et al relates to an arrangement which allows a client device to access a plurality of carrier networks. However, nowhere do Jonker et al show or suggest:

“determining whether the user terminal uses a predetermined authentication protocol in response to the response to the identity request message;  
selecting said predetermined authentication protocol if the user terminal uses said predetermined authentication protocol; and  
selecting an authentication mechanism compatible with the user terminal upon determining the user terminal is not compatible with the predetermined authentication protocol, for allowing user terminal access to the communications network”,

as specifically recited in Claim 1 as amended. Rather, Jonker et al disclose that all devices use the same wireless protocol, such as IEEE 802.11b. See column 5, lines 56-64. Although Jonker et al discloses access to multiple carrier networks, and the use of IEEE 802.1x protocols as well as cellular technologies, nowhere do Jonker et al show or suggest any access by a user terminal to multiple authentication protocols. It is therefore clear that Jonker et al do not affect the patentability of Claim 1 as amended.

Claims 2 and 3 are dependent from Claim 1 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 1.

Similarly, nowhere do Jonker et al show or suggest:

“determining whether the user terminal is IEEE 802.1x compliant in response to the response to the identity request message;  
selecting an authentication mechanism utilizing IEEE 802.1x if said user terminal is IEEE 802.1x compliant; and

selecting an authentication mechanism, compatible with the user terminal, in response to a determination that the user terminal is not IEEE 802.1x compliant, for allowing user terminal access to the wireless local area network”,

as specifically recited in Claim 4 as amended. It is therefore clear that Jonker et al do not affect the patentability of Claim 4.

Claims 5 to 9 are dependent from Claim 4 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 4.

Similarly, nowhere do Jonker et al show or suggest:

“a means to determine if the user terminal utilizes an IEEE 802.1x protocol;  
means for employing an IEEE 802.1x. protocol in said access point, if said user terminal utilizes the IEEE 802.1x. protocol; and,  
means for employing an authentication means compatible with the user terminal if the user terminal employs a protocol other than the IEEE 802.1x protocol”,

as specifically recited in Claim 10 as amended. It is therefore clear that Jonker et al do not affect the patentability of Claim 10.

Claims 11-13 are dependent from Claim 10 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 10.

Similarly, nowhere do Jonker et al show or suggest:

“an access point communicating to the user terminal a request to identify, and if the user terminal device utilizes the IEEE 802.1x protocol, acknowledging the request to identify, otherwise the access point determining that the user terminal is not IEEE802.1x compliant and selecting an authentication mechanism compatible with the user terminal”,

as specifically recited in Claim 14. It is therefore clear that Jonker et al do not affect the patentability of Claim 14.

Claims 15-20 are dependent from Claim 14 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 14.

Similarly, nowhere do Jonker et al show or suggest:

“if the user terminal utilizes an IEEE 802.1x protocol, acknowledging the request to identify, otherwise determining by the access point that the user terminal is not IEEE 802.1x compliant and selecting an authentication mechanism compatible with the user terminal”,

as specifically recited in Claim 21. It is therefore clear that Jonker et al do not affect the patentability of Claim 21.

Claims 22-27 are dependent from Claim 21 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 21.

The Applicants therefore submit that the instant Application is now in condition for allowance. A notice to that effect is respectfully solicited.

No fee is believed to have been incurred by virtue of this amendment, other than the fee for an extension of time. However if a fee is incurred on the basis of this amendment, please charge such fee against Deposit Account 07-0832

Respectfully submitted,  
Junbiao Zhang  
Saurabh Mathur

/Catherine A. Cooper/  
by Catherine A. Cooper  
Attorney for Applicant  
Registration No. 40,877  
609/734-6440

THOMSON Licensing Inc.  
Patent Operation  
PO Box 5312  
Princeton, NJ 08543-5312

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